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18 JAN 2006

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In re Application of
EVANS
Application No.: 10/561,359 : DECISION ON
PCT No.: PCT/US03/18326 :
Int. Filing Date: 10 June 2003 : PETITION UNDER
Priority Date: None :
Attorney Docket No.: 2765/189US : 37 CFR 1.137(b)
For: WEFT-INSERTED ELASTIC ADHESIVE
BANDAGE AND METHOD

This decision is in response to applicants' submission filed 19 December 2005.

BACKGROUND

On 10 June 2003, applicants filed international application PCT/US03/18326 which designated the U.S. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 20 January 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 12 December 2005 (10 December 2005 being a Saturday).

On 19 December 2005, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 19 December 2005.

As to item (2), applicant submitted the petition fee on 19 December 2005.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).


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